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July 15, 2024

Via ECF

Honorable Lorna G. Schofield
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Re: JPMorgan Chase Bank, N.A. v. VTB Bank, P.J.S.C., Case No. 1:24-cv-02924-LGS

Dear Judge Schofield:

We write on behalf of Defendant VTB Bank, P.J.S.C. (“VTB Bank”), and in response to Plaintiff JPMorgan Chase Bank N.A. (“JPMorgan”)’s letter of July 11.

JPMorgan’s letter seeks “permission for JPMorgan to file a motion to discontinue this Action in an appropriate manner in light of its current status.” VTB Bank’s understanding is that no such permission is required, under the Federal Rules. Because VTB Bank has not served an answer or motion for summary judgment, JPMorgan has an “unfettered right voluntarily and unilaterally” to dismiss this proceeding, by notice pursuant to Rule 41(a)(1)(A), and without court order. *Thorp v. Scarne*, 599 F.2d 1169, 1175 (2d Cir. 1979).¹

To the extent VTB Bank’s consent may be required, VTB Bank does not oppose JPMorgan’s voluntary dismissal by notice pursuant to Rule 41(a)(1)(A), and will not seek to vacate any such notice if JPMorgan files one at this stage of the proceeding.

¹ JPMorgan’s letter cites cases involving “extreme” circumstances under which courts vacated plaintiffs’ notices of voluntary dismissal, where plaintiffs sought to dismiss after receiving negative rulings on the merits of their claims from courts or magistrate judges. *Poparic v. Jugo Shop*, No. 08-CV-2081, 2010 U.S. Dist. LEXIS 31385, at *17-18 (E.D.N.Y. Mar. 31, 2010) (noting that that line of cases “received cool reception and has been limited to its extreme facts.”) (quotation marks omitted)).



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Very truly yours,

/s/ Jonathan Walsh

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